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October 11, 2012

VIA ECF

Hon. Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States, et al. v. City of New York, et al.*, 07-cv-2067 (NGG) (RLM)

Dear Judge Garaufis:

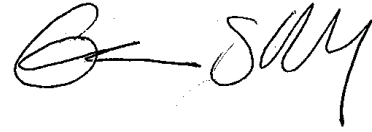
On behalf of Plaintiffs-Intervenors, I respectfully write to correct two errors in our submission to the Court on October 10, 2012.

First, I made an incorrect reference to Section 15-111 of the New York City Administrative Code. *See* Dkt. 999 at 2. In discussing the effects of retroactive seniority on promotions, I inadvertently misstated the effects of the FDNY's seniority credits for former police officers. Although former police service members do receive retroactive seniority credit for the purpose of promotion within the FDNY, the UFA and UFOA are correct that the amended Section 15-111 does not refer to "time-in-grade" requirements. *See* Dkt. 1004. Rather, it is the City's Notices of Examination that make clear that police officers appointed to the FDNY who took the most recent promotional exams received seniority credit for promotional purposes for service in the New York Police Department, the New York City Housing Authority Police, and the New York Transit Authority Police. *See, e.g.*, Dkt. 997 Ex. 1. This credit applies to former police service members appointed to the FDNY prior to April 9, 2006. We have confirmed this understanding with the City's counsel. Many former police service members thus receive retroactive seniority in a manner similar to that proposed here for victims of discrimination.

Second, the example of the effects of retroactive seniority on a former police service member appointed to the FDNY on November 21, 2006 should have posited that appointment to the FDNY took place on April 8, 2006 and appointment to the police service on April 8, 1999. *See* Dkt. 999 at 2.

I apologize for the errors and any resulting confusion, and we thank the Court again for its time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Schwarz', written over a light gray rectangular background.

Ghita Schwarz